

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04 10610 RWZ

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|--|---|
| ANTHONY F., |) |
| BY AND THROUGH HIS NEXT FRIENDS, |) |
| EDWARD F., AND LISA F., |) |
| PLAINTIFFS |) |
| |) |
| v. |) |
| |) |
| SCHOOL COMMITTEE OF THE CITY OF MEDFORD, |) |
| DEFENDANT |) |

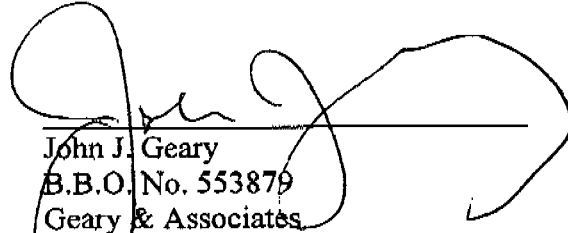
PLAINTIFF'S MOTION IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS AND/OR
MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiff Anthony F., by and through his next friends, Edward F., and Lisa F., hereby moves that this Honorable Court deny defendant School Committee of the City of Medford's Motion to Dismiss and/or Motion for Summary Judgment. As reasons therefor, summary judgment is inappropriate for all issues presented by the defendant because, as outlined in Plaintiff's Memorandum of Law, defendant's arguments are not in accordance with statutory or defined case law regarding the issues presented.

In further support, the plaintiff, refers this Honorable Court to his Memorandum of Law in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss and/or Motion for

Summary Judgment, Affidavit of Lisa Falanga and Affidavit of Attorney Daniel B. Walsh,
attached hereto.

Respectfully Submitted,
Anthony F., By and through
His Next Friend, Lisa F. and Edward F.,
By their Attorney,



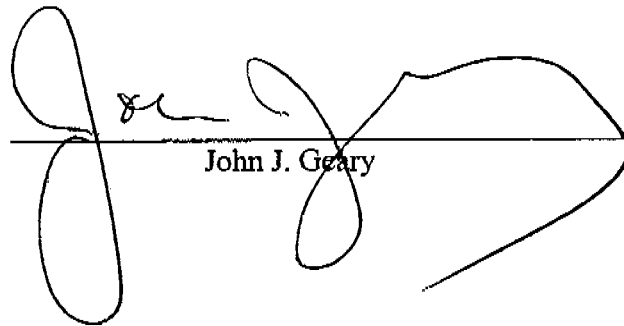
John J. Geary
B.B.O. No. 553879
Geary & Associates
161 Summer Street
Kingston, MA 02364
(781) 585-0008

Dated: November 19, 2004

CERTIFICATE OF SERVICE

I, John J. Geary, attorney for the plaintiff, Anthony F., by and through his next friends, Edward F., and Lisa F., hereby certify that on this date, November 19th, 2004, I delivered, via facsimile transmission and first class mail, ***Plaintiff's Motion in Opposition to Defendant's Motion to Dismiss and/or Motion for Summary Judgment*** to the following:

Attorney Mary L. Gallant
Murphy, Hesse, Toomey & Lehane
300 Crown Colony Drive
Quincy, MA 02269



John J. Geary

GEARY & ASSOCIATES

Attorneys At Law
161 Summer Street
Kingston, MA 02364
Telephone: (781) 585-0008
Facsimile: (781) 585-0332

John J. Geary*
Daniel B. Walsh
Janine M. Simonian

Maureen K. Flaherty (of counsel)

* Also Admitted in Rhode Island and Connecticut

November 19, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Civil Clerk's Office
John Joseph Moakley
United States Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

RE: Anthony F., by and through his next friends, Edward F., and Lisa F.,
vs. School Committee of the City of Medford
Case No. 04-10610-RWZ

Dear Sir or Madam:

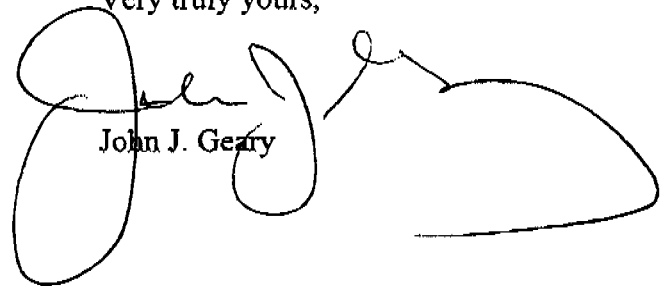
Enclosed for filing in the above referenced matter, please find the following:

1. Plaintiff's Motion in Opposition To Defendant's Motion to Dismiss and/or For Summary Judgment.

This Motion is to be included with the Memorandum in Support of Plaintiff's Motion in Opposition To Defendant's Motion to Dismiss and/or For Summary Judgment filed with the Court on November 16, 2004.

Thank you for your attention to this matter.

Very truly yours,



John J. Geary

JJG/jms
cc: Mary L. Gallant, Esq.

GEARY & ASSOCIATES

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Kingston, MA 02364
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FACSIMILE TRANSMITTAL COVER SHEET

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FIRM: John Joseph Moakley United States Courthouse

FACSIMILE NUMBER: 617-748-9096

DATE: November 19, 2004

FROM: John J. Geary

RE: Anthony F., by and through his next friends, Edward F., and Lisa F.,
v. School Committee of the City of Medford
Case No. 04-10610-RWZ

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